



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Jang et al.

Serial No.: 09/470,026

Examiner: Simons, Kevin C.

Filed: December 22, 1999

Group Art Unit: 3763

For: ENDOLUMINAL OCCLUSION-IRRIGATION CATHETER WITH  
ASPIRATION CAPABILITIES AND METHODS OF USE

Docket No.: 1001.1425101

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JUN 18 2003

**AMENDMENT IN ACCORDANCE WITH 37 CFR §1.111** TECHNOLOGY CENTER R3700

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Commissioner for Patents

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**CERTIFICATE UNDER 37 C.F.R. 1.10:** The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of: EV333851131 US, in an envelope addressed to Mail Stop NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11th day of June, 2003.

By

*JoAnn Lindman*  
JoAnn Lindman

Dear Sir:

Applicants have carefully examined the Office Action mailed March 11, 2003.

Claims 21, 434-46 and 50-54 are pending and have been rejected.

**35 U.S.C. § 102 Rejections**

Claims 21 and 50-54 were rejected under 35 U.S.C. § 102(e) as being anticipated by Nash et al. (U.S. Patent No. 6,080,170). After careful review of this reference, applicants respectfully disagree.

Nash et al. disclose a method of treatment where the steps are as follows. A guide catheter is positioned so that its distal end is proximal of the restriction. Column 29, lines 2-4. The guide wire is extended through the guide catheter such that the distally located balloon is downstream from the restriction. Column 29, lines 7-10. The stent delivery catheter is introduced over the guidewire. Column 29, lines 12-14. The balloon is inflated and the debris removal subsystem or other extraction or vacuum system is operated. Column 29, lines 16-18. The stent is deployed. Column 29, lines 19-21. An irrigation tube 504 can then be deployed. The debris removal subsystem consists of the guide catheter and either another lumen integral to the guide catheter or another catheter 504. Column 27, lines 22-43.

Notably, the guide catheter (and optional catheter 504) is the closest element disclosed by Nash et al. to the aspirating catheter of claim 21. Nash et al. do not disclose advancing the guide catheter over the guidewire and positioning it proximal the region of interest as claimed in claim 21; as described above, they disclose advancing the guidewire through the already positioned guide catheter. Significantly, the device disclosed by Nash et al. will not, in its normal and usual operation, perform the method of claim 21. A guide catheter is a large catheter having a curved distal end and is used to guide medical instruments through the aortic arch to a specific vessel requiring treatment. In its normal and usual operation, a guide catheter will be advanced and positioned prior to the advancing of any medical devices used to treat the region of interest. Nash et al., therefore, do not disclose each and every element of the claimed invention.

Moreover, the claimed method provides advantages not available through the devices or methods of Nash et al. For example, because guide catheters are large and

have a distal end shaped to guide other devices through the aortic arch, guide catheters are unable to penetrate into vessels much beyond the aortic arch. Thus, the farther a region of interest is from the aortic arch, the farther the aspiration function of Nash et al. is from the region of interest. In contrast, in the claimed method, because the aspirating catheter is not necessarily a guide catheter, the aspiration catheter can have a reduced cross-section and enhanced flexibility. The claimed method therefore permits the positioning of the distal end of the aspirating catheter nearer more regions of interest than do the methods or devices disclosed by Nash et al. This available range of positioning enhances the effectiveness and applications of the claimed method.

For the above reasons, applicants submit that claim 21 is in condition for allowance. As claims 50-54 depend from claim 21, either directly or indirectly, and contain additional elements, applicants submit that these claims are in condition for allowance as well.

### **35 U.S.C. § 103 Rejections**

Claims 43-46 were rejected under 35 U.S.C. § 103(a) as being obvious over Nash et al. in view of Imran (U.S. Patent No. 5,833,650). Applicants respectfully disagree.

As claims 43-46 depend from claim 21, which applicants submits is allowable, and as these claims contain additional elements, applicants submit that these claims are in condition for allowance as well.

Reexamination and reconsideration are respectfully requested. Applicants submit that claims 21, 43-46, and 50-54 are in condition for allowance. If a telephone

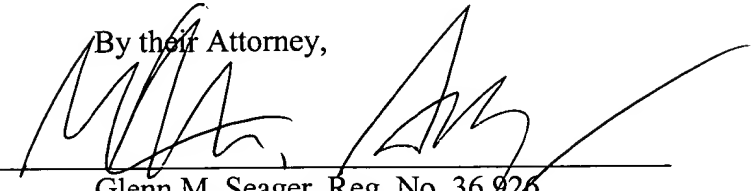
conversation may be of assistance, please contact the undersigned attorney at 612-677-9050.

Respectfully submitted,

YUE TEH JANG ET AL.

By their Attorney,

Date: June 11, 2003

  
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By

  
JoAnn Lindman

We are transmitting herewith the attached:

- [X] Amendment in Accordance with 37 CFR §1.111.
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- [X] Please charge any deficiencies or credit any overpayment in the enclosed fees to Deposit Account No. 50-0413.

By:

  
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